

## **9.5 Conservation Recommendations Summary**

The Service is very encouraged by the Corps' commitment to implement numerous Section 7(a)(1) activities as part of the Project. The above Conservation Recommendations are additional Section 7(a)(1) activities that would be beneficial to the conservation and recovery of lower Columbia River, estuary, and river mouth listed species.

In order for the Service to be kept informed of actions minimizing or avoiding adverse effects or benefitting listed species or their habitats, the Service requests notification of the implementation of any conservation recommendations.

## **10.0 Concluding Statement**

This concludes formal consultation and conference on the action outlined in the Corps' January 3, 2002 aquatic species BA. As provided in 50 CFR §402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded; (2) new information, including that information developed through the Project's monitoring and adaptive management activities, reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion; (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in this opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation.

The Corps may ask the Service to confirm the coastal cutthroat trout conference opinion as a biological opinion issued through formal consultation if coastal cutthroat trout is listed. The request must be in writing. If the Service reviews the proposed action and finds that there have been no significant changes in the action as planned or in the information used during the conference, the Service will confirm the conference opinion as the biological opinion on the project and no further section 7 consultation will be necessary.

After listing of the coastal cutthroat trout as threatened, and subsequent adoption of this conference opinion as the biological opinion for the Project, the Corps shall request reinitiation of consultation if: (1) the amount or extent of incidental take is exceeded; (2) new information, including that information developed through the Project's monitoring and adaptive management activities, reveals effects of the agency action that may affect the species or critical habitat in a

manner or to an extent not considered in this conference opinion; (3) the agency action is subsequently modified in a manner that causes an effect to the species or critical habitat that was not considered in this conference opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action.

The incidental take statement for coastal cutthroat trout provided in this conference opinion does not become effective until coastal cutthroat trout is listed and the conference opinion is adopted as the biological opinion issued through formal consultation. At that time, the Project will be reviewed to determine whether any take of coastal cutthroat trout has occurred. Modifications of this conference opinion and its' incidental take statement may be appropriate to reflect that take. No take of coastal cutthroat trout may occur between the listing of the species and the adoption of the conference opinion through formal consultation, or the completion of a subsequent formal consultation.